

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

MARVIN KENT POWELL and)
SHAWNA POWELL,)

Plaintiffs,)

v.)

Case No. 5:18-FJ-00003-HE

WILBANKS SECURITIES, INC., an)
Oklahoma Corporation, and AARON)
BRONELLE WILBANKS, individually,)

Defendants,)

and)

Allianz Life Ins. Co. of North America,)

Garnishee.)

FILED

APR 25 2019

CARMELITA REEDER SHINN, CLERK
U.S. DIST. COURT, WESTERN DIST. OKLA.
BY N.V. DEPUTY

Non-Continuing and General Garnishee's Answer/Affidavit

State of MN)

County of Hennepin) SS

I, Allianz Life Insurance Company, (garnishee or individual answering on behalf of garnishee), in answer to a garnishment summons served on the 16th day of April, 2019, and having knowledge of the facts and being sworn, state:

• **If Garnishee is an Individual:**

That garnishee is an individual, whose full legal name is N/A, and that garnishee does business under the name of _____.

• **If Garnishee is a Partnership:**

That garnishee is N/A, a partnership composed of the following persons: _____.

• **If Garnishee is a Corporation:**

That garnishee is Allianz Life Insurance Company, a corporation, organized under the laws of the state of MN, and the official title of the person answering on behalf of garnishee is AVP Enterprise Producer Services.

- At the time of the service of the garnishment summons, or upon the date it became effective, the garnishee was not indebted to the judgment debtor for any amount of money nor did the garnishee have possession or control of any property, money, goods, chattels, credits, negotiable instruments or effects belonging to the judgment debtor or in which the judgment debtor had an interest because the employee/individual/judgment debtor was: *(Please check appropriate response)*

____ Not employed

____ Employed but no amounts due; specify reason: _____

X Other; specify: Terminated Independent Contractor

2. At the time of service of the garnishment summons or upon the date it became effective, the garnishee was indebted to the judgment debtor or had possession or control of the following property, money, goods, chattels, credits, negotiable instruments or effects belonging to the judgment debtor as follows: *(Please check appropriate response)*

N/A Earnings as shown on the attached Calculation for Garnishment of Earnings form which is incorporated by reference into this answer;

N/A Upon conducting the review of the debtor's account(s) mandated by 31 CFR § 212.1 et. seq, garnishee has determined the account(s) contains \$ _____ **unprotected** funds, and \$ _____ **protected** funds. Specify type(s) of protected funds, and if more than one type, specify amount of each: _____

N/A Other; specify: _____

Check here ☐ if additional pages are necessary.

3. Nothing has been withheld due to a prior garnishment or continuing garnishment which will expire on N/A and is in Case Number N/A in the District Court of _____ County, Oklahoma.
4. On April 24, 2019, the garnishee mailed a copy of the Notice of Garnishment & Exemptions and Application for Hearing by first-class mail to the judgment debtor at:

Address 4334 NW Express Way Ste 222
 City OKLAHOMA CITY
 State OK Zip 73116-1516
 Date Mailed 4/24/19

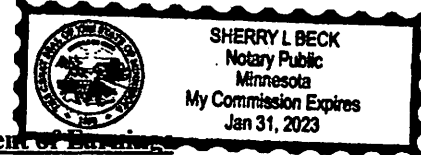
Or, hand delivered the same to judgment debtor at:

Judgment Debtor N/A
 Place N/A

5. The garnishee makes the following claim of exemption on the part of the judgment debtor, or has the following objections, defenses, or setoffs to judgment creditor's right to apply garnishee's indebtedness to judgment debtor upon judgment creditor's claim:

N/A

Check here ☐ if additional pages are necessary.

By: John L. BeckDate: 4/24/19Title: AVP - Enterprise Product ServicesSubscribed and sworn to before me on this 24th day of April, 20 19.Sherry L. Beck
Notary PublicMy commission expires: 1/31/2023Calculation for Non-Continuing Garnishment of Earnings

For the pay period in effect at the time of said service:

1. (a) Enter the pay period of judgment debtor
(weekly, biweekly, semimonthly, monthly, or other)
If other, please describe: _____ 1(a) N/A
- (b) Enter the date the judgment debtor's present pay period
began (present pay period means the pay period for which the
calculation is made): 1(b) N/A
- (c) Enter the date the judgment debtor's present pay period ends: 1(c) N/A
2. (a) Enter the gross earnings for entire pay period: 2(a) N/A
- (b) Calculate deductions from said amount as required by law:
(2(b) is the total of i, ii, and iii) 2(b) N/A
 - i. Federal income tax withholding _____
 - ii. FICA income tax withholding _____
 - iii. State income tax withholding _____
- (c) Net earnings: 2(a) less 2(b): 2(c) N/A
3. (a) If judgment debtor is subject to withholding for child support
garnishment or income assignment, enter maximum allowable
percentage (50%, 55%, 60% 65%) 3(a) N/A
- (b) Enter actual percentage withheld: 3(b) N/A
- (c) Subtract 3(b) from 3(a) and enter percentage: 3(c) N/A
- (d) Enter the lesser of 25% or line 3(c) here (if no child support or
income assignment, enter 25%): 3(d) N/A
4. Multiply the percentage in 3(d) times the net earnings in 2(c) and enter: 4. N/A

5. (a) Multiply and enter the present federal minimum wage as follows: 5(a) N/A
Weekly or more often by 30;
Biweekly by 60;
Semimonthly by 65;
Monthly by 130.
For any other pay period, increase the multiple for a weekly pay period using the assumption that a month contains 4-1/3 weeks.
- (b) Subtract the amount on line 5(a) from the amount on line 2(c): 5(b) N/A
6. Enter the smaller of the amounts entered on line 4 or 5(b). Pay this amount to the attorney for judgment creditor, or judgment creditor if not represented by an attorney. 6. N/A

When completed, mail original answer to: the Court Clerk of the United States District Court for the Western District of Oklahoma at the following address:
200 NW 4th Street
Oklahoma City, OK 73102

Please Note: You must send your check for the amount garnished with a copy of your answer to the attorneys named below. The check shall be made to the attorneys' trust account, "RG Busch PLLC COLTAF Account"

Attorneys for Judgment Creditor:
Nicholas M. Tait and Rob G. Busch
RG Busch PLLC
P.O. Box 3931
Greenwood Village, CO 80155